

**MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

RECEIVED

JAN 28 2020

United States District Court		District of Alaska	CLERK, U.S. DISTRICT COURT ANCHORAGE, A.K.
Name (under which you were convicted): MORVILLE LAVELLE LAMPKIN		Case No.: 3:15-CR-00005-SLG	
Place of Confinement: FCI SHERIDAN		Prisoner No.: 14112006	
UNITED STATES OF AMERICA		Movant (include name under which you were convicted) v. MORVILLE LAVELLE LAMPKIN	

MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

US District Court of ALASKA(b) Criminal docket or case number (if you know): **3:15-CR-00005-SLG**

2. (a) Date of the judgment of conviction (if you know):

(b) Date of sentencing: **July 10th 2017?**

3. Length of sentence: **240 months**

4. Nature of crime (all counts):

Count 1 Distribution and Conspiracy to distribute Controlled Substances 21 U.S.C § 846 - 21 U.S.C § 841 (b)(1)(A) - 21 U.S.C § 851
Count-2 Money Laundering 18 U.S.C § 1956 (a) and (a)(2)(B)(i)
Count-10 Distribution of Heroin - 21 U.S.C § 841 (a)(2)
Count-11 Possession with intent to Distribute Methamphetamine 21 U.S.C § 841 (b)(1)(A) 21 U.S.C § 851

5. (a) What was your plea? (Check one)

(1) Not guilty ☒(2) Guilty ☐(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☒Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☒ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:

(a) Name of court: 9th Circuit Court of Appeal

(b) Docket or case number (if you know): 18-30160

(c) Result: Conviction stands

(d) Date of result (if you know): 8-22-2020

(e) Citation to the case (if you know):

(f) Grounds raised:

SPEEDY trial violation

Jury instructions - not guilty of 50 years or more

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

(5) Grounds raised:

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result:

(8) Date of result (if you know):

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: **ON ADVICE OF ATTORNEY**

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

IAC my attorney **MIKE MOBERLY** was ineffective when he admitted on record that he did put all the facts in the motion to suppress. He also filed paperwork stating that he didn't do his job because he feared me. And that I hadn't did anything for him to fear me other than my appearance. (Blackman) and that may be the reason he didn't represent me to the fullest.

(b) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Attorney Advised not to

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

IAC
I was ~~prejudiced~~ ^{prejudiced} by my attorney telling me that he could not go back and fix the mistakes made that my other attorney admitted to on my motion to suppress. This left me with an attorney who lied and was not willing to do his job. This hindered me by not allowing me to at least get an evidentiary hearing to address the problems with the search warrant that was obtained illegally and would have had the evidence dismissed and not let the jury be influenced by it.

(b) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Advise by attorney not to.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I, A.C. I was prejudiced by my attorney when He found out later on during pre-trial time that the Informant was not honest and truthful like the warrant affidavit stated. He was found hiding drugs on a controlled by and these facts were hidden from the judge and never reported. He did not want to address this issue, which allowed the judge to make a decision on untrue facts and not the real facts. And deceived the judge into granting a search warrant.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Advised by attorney not to.

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

IAC Claim #4

My Attorney was ineffective when he failed to bring up the fact that when he interviewed the Informant. The informant stated "He didn't know who I was. And that officers would have to show him a picture of me" This prejudiced me because it would have shown that the Informant didn't ID me like the Search Warrant Affidavit stated. And Juror would not be able to take him as creditable. This is another false statement given to the Judge so a Search Warrant could be granted.

(b) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

Advised by attorney not to.

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:

13. Is there any ground in this motion that you have not previously presented in some federal court?

If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

NO. Not that I can think of at this time

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Samir Mc Gready

(b) At arraignment and plea: Mike Moberly

(c) At trial: Ben Crittenden

(d) At sentencing: Ben Crittenden

(e) On appeal: Tom WEADER

(f) In any post-conviction proceeding: Gretchen Staff

(g) On appeal from any ruling against you in a post-conviction proceeding:

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: N/A

(c) Give the length of the other sentence: NONE

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

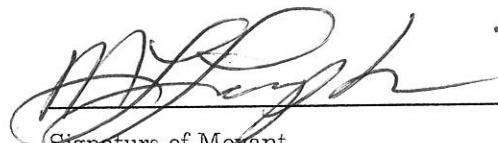
Therefore, movant asks that the Court grant the following relief:

Dismiss All Charges -
Dismiss Conviction -
Remove Sentences - Evidentiary hearing for New trial
or any other relief to which movant may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct
and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on
(month, date, year).

Executed (signed) on 1-25-21 (date).


Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not
signing this motion.

Ground #5

IAC

My Attorney was ineffective when he didn't address to the courts all discovery issues. Prosecutors stated they would turn over the surveillance warrants once they were unsealed, but never turned them over. Then stated they didn't need surveillance warrants. This prejudiced me by not allowing me to have all discovery that I'm entitled to. This would have not let the jury see a video that was obtained without a warrant.

5(b) NO

5(b)(2) Attorney advised not to

Ground #6

IAC

My Attorney was ineffective when he didn't challenge the violation of my speedy trial right and ask that the charges be dismissed. The appellate court recognized the failure on the part of my attorney to ask for dismissal. This prejudiced me by allowing my rights to be violated. This would have changed the outcome by not allowing the trial to move forward. →

When it shown have been dismissed due to
a violation of my rights.

6(b) YES

6(c) YES

6(c)(2) 9th Circuit Appellate Court

Docket # USCA 18-30160

Date of decision 8-22-20 ?

6(3) NO

6(4) NO

6(7) Advised by Attorney not to

Ground #7

I.A.C

My Attorney was ineffective when he told me
that my past criminal history would not be
allowed in at trial if I took the stand.

This prejudiced me by allowing the jury to
Judge me on my past and not on the
case I was charged with.

7(b)(1) NO

7(b)(2) Advised by Attorney not to

7(c) NO

Ground #8

I.A.C

My ATTORNEY WAS INEFFECTIVE WHEN HE FAILED TO DO A BATES CHALLENGE. IT PREJUDICED ME BY NOT BEING JUDGE BY A JURY OF MY PEERS. IF MY ATTORNEY WOULD HAVE CHALLENGED THEN THE JUDGE COULD OF ADDRESSED IT AND FIXED IT. THIS WOULD HAVE CHANGED THE JURY BOX AND ALLOWED ME MY RIGHTS THAT THE COURTS AFFORD ME.

8(b) NO

8(b)(2) ADVISED BY ATTORNEY NOT TO.

Ground #9

I.A.C

My ATTORNEY WAS INEFFECTIVE WHEN HE FOUND OUT THAT THE SECURITY SYSTEM IN MY HOUSE AND VIDEO WAS DESTROYED AND DIDNT FILE ON IT. AFTER I TOLD HIM IT WOULD SHOW THAT I WAS TELLING THE TRUTH. THIS EFFECTED ME BY NOT HAVING EVIDENCE THAT WAS FAVORABLE TO ME. THIS WOULD HAVE LET THE COURTS KNOW AND FIND OUT WHY IT WAS DESTROYED AND LIED ABOUT.

9(b) NO

9(b)(2) ADVISED BY ATTORNEY NOT TO

Ground #10

I.A.C

My Attorney WAS ineffective when he failed to investigate the illegal wiretap placed in the attorney-client room by the prosecutors office. He failed to push for a dismissal. This prejudiced me by violating my rights under attorney-client privilege. This warranted a dismissal of all charges. And not allow prosecutors to knowingly violate the law.

10(b) NO

10(b)(2) Advised by Attorney not to

Ground #11

I.A.C

My Attorney WAS ineffective when he failed to challenge the use of the Jailhouse phone calls recording when the prosecutor stated to the courts that they weren't going to use them. This prejudiced me by giving the prosecutor a tactical advantage by deceiving the defence and the courts

11(b) NO

11(b)(2) Advised by Attorney not to

Ground #12

I.A.C

My Attorney WAS INEFFECTIVE when he failed to address to the Courts when JURORS were falling asleep at the time it was happening during trial. This prejudiced me by not having JUROR listen to all the facts

12(b) NO

12(b)(2) advised by attorney not to

Ground #13

I.A.C

My Attorney WAS INEFFECTIVE when he failed to investigate the letter sent to him by a JUROR claiming JUROR misconduct by another JUROR who looked me up online and researched me. This prejudiced me by allowing JUROR to judge me by information on the internet and not by what the Judge allowed in. This prejudiced me in a MAJOR way when JURORS ARE told not to do this

13(b) NO

13(b)(2) advised by attorney not to.

Ground # 14

I.A.C

My attorney was ineffective when he fail to file my appeal like I asked. forcing me to file it myself. EVEN the district Court Judge had to write him a letter telling him to do his job and he still failed to do it. This prejudiced me by not having an attorney that would represent me properly. and didnt care about the outcome.

14(b) NO

14(b)(2) Advised by attorney not to.

These are the 14 Ground of my 2255 I.A.C claim.

MORVILLE LAMPKIN
3:15-CR-00005-SLG

MURKILL LAMPKIN 14112006
Federal Correctional Institution
Po Box 5000
Sheridan OR 97378

U.S. District Court
222 West 7th Avenue #4
Anchorage AK 99513



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